

Amendment Dated 04/04/05
Response to Office Action Dated 02/04/05

Application No. 09/868,708
Attorney Ecket No. 015222.00167

REMARKS

Claims 1-20 are pending with the response to this Office Action. Claims 1-20 are rejected.

The Applicant thanks the Examiner for accepting amendments to correct typographical errors and for withdrawing a request for information, the objection to the Information Disclosure Statement, the drawing objection, the specification objection, and the abstract objection. The Examiner has accepted the Terminal Disclaimer that overcomes the double patenting rejections related to US 6,016,486 and co-pending Application 09/868,682. The Applicant also thanks the Examiner for withdrawing the rejections of 1 and 10 under 35 U.S.C. 112, second paragraph and the rejections of claims 1-9 under 101 U.S.C. 101.

The Examiner accepted an amendment to the title. The title, as amended, is "A GOAL BASED SYSTEM UTILIZING A TIME BASED MODEL".

Typographical Error

Regarding claim 10, the Applicant has replaced "a processor" with "a processor;" to properly punctuate an element of the claim.

Double Patenting

Claims 1-20 are rejected by the Office Action under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable of claims 1-19 of U.S. Patent No. 6,549,893. The Applicant is filing a terminal disclaimer in a separate paper. Thus, the Applicant requests reconsideration of claims 1-20.

Claim Rejections – 35 U.S.C. § 102

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 97/44766 (Cook). Regarding claims 1 and 10, the Office Action alleges that Cook anticipates "(c) an evaluation source code segment comprising source code for evaluating progress toward the goal utilizing the time based model to control the presentation of information (Cook, p1, l 5-8; p 7, l 11-16; p 10, l 28-31; p 8, l 8-13)." However, Cook does not teach "an evaluation source code segment comprising source code for evaluating progress toward the goal and providing feedback that further motivates accomplishment of the goal utilizing the time based model to control the presentation of information." (Emphasis added.) Cook does teach (Page 1, lines 5-8):

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This invention relates to a system and method for interactive, adaptive, and individualized computer-assisted instruction of students, preferably implemented on network connected computers.

does teach (Page 7, lines 11-16):

The Agent Based Instruction ("ABI") system of this invention is a system and method for interactive, adaptive, and individualized computer-assisted instruction and homework, preferably implemented on network connected computers, that overcomes these problems by providing the following objects in preferred and alternative embodiments.

does teach (Page 10, lines 24-31):

A further important object of this invention is to utilize augmented computer-assisted instruction materials which present to students a variety of interactive, adaptive, and self-paced computer-assisted instruction and homework materials in a manner which informs the agent of a student's progress and performance and which permits the agent to manage or control the materials to the student's pedagogic characteristics.

and does teach (Page 8, lines 7-13):

In a preferred embodiment of this invention, diverse agent behaviors are handled uniformly by a single means. The diverse behaviors include encouragement and feedback, providing meta-cognitive help on ongoing instruction, managing or controlling and individualizing computer based instruction to the student's learning modes, and assistance with assignment management.

Even though Cook discusses feedback and a student's progress, Cook fails to teach evaluating progress and providing feedback utilizing a time based model to control the presentation of information.

Similarly, regarding claim 10, Cook fails to anticipate "logic that provides feedback, responsive to a progress indication, that further motivates accomplishment of the goal utilizing the time based model to control the presentation of information." Claims 2-9 and 11-20 ultimately depend from claims 1 and 10 and are not anticipated for at least the above-reasons. The Applicant requests reconsideration of claims 1-20.

Regarding claims 8 and 17, in addition to the above discussion, the Office Action alleges that Cook anticipates an interface source code segment comprising source code for passing information from the presentation to an expert system to analyze the information and formulate the appropriate feedback utilizing time as a variable for analysis (Cook, p 1, l 5-8; p 7, l 11-16; p

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7, l 19-29; EN: such is interaction ... feedback)." Even though Cook discusses feedback, Cook does not teach "an interface code segment comprising source code for passing information from the presentation to an expert system to analyze the information and formulate the appropriate feedback utilizing time as a variable for analysis." (Emphasis added.) Cook does teach (Page 7, lines 19-29):

An important object of this invention is to provide the student with a virtual tutor, by having agent software ("agent") adapted to each student that offers a high quality of individualized student interaction and that manages or controls instruction in a manner approximating a real tutor. The agent exercises management or control over the computer-assisted instructional materials and provides information and help to the student, both synchronously and asynchronously to particular instructional materials. Agent behaviors are sensitive to both the educational context and to the history of student behavior.

Cook fails to formulate feedback utilizing time as a variable for analysis. In fact, Cook's teachings do not analyze time at all.

Regarding claims 19 and 20, the Office Action alleges that "Cook anticipates the synchronization source code segment further comprises source code for time based simulation modeling and for receiving a user selection from a list of actions at each time period (Cook, p 1, l 5-8; p 7, l 11-16; p 7, l 19-29; EN: such is a virtual tutor, a simulated tutor; feedback exists from user to tutor; operation is achieved on a computer which is time based; computer master clock achieves synchronization, since the computer is master clock driven, user selection will occur during a time period)." However, Cook does not even teach a user selection from a list of actions. Moreover, the Office Action alleges that Cook teaches about feedback that exists from user to tutor. Feedback, as claimed in the present patent application, is from the goal based system to the student. For example, claim 1, which claim 19 depends from, includes the element "(d) an evaluation source code segment comprising source code for evaluating progress toward the goal and providing feedback that further motivates accomplishment of the goal utilizing the time based model to control the presentation of information." (Emphasis added.)

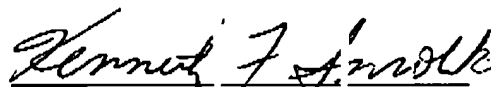
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It is respectfully submitted that the present application is in condition for allowance, and a Notice to that effect is earnestly solicited.

Respectfully submitted,

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